

AO 133 (Rev. 9/89) Bill of Costs

UNITED STATES DISTRICT COURT

Southern

District of Ohio

Joseph F. Hutchison, et al.

V.

Fifth Third Bancorp

BILL OF COSTS

Case Number: C-1-01-789

Judgment having been entered in the above entitled action on 10/07/05 against Joseph F. Hutchison, et al.,
the Clerk is requested to tax the following as costs:

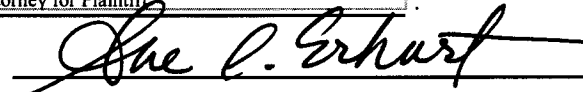
Fees of the Clerk	\$ <u>150.00</u>
Fees for service of summons and subpoena	<u> </u>
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	<u>\$2,602.25</u>
Fees and disbursements for printing	<u> </u>
Fees for witnesses (itemize on reverse side)	<u> </u>
Fees for exemplification and copies of papers necessarily obtained for use in the case	<u>\$5,090.91</u>
Docket fees under 28 U.S.C. 1923	<u> </u>
Costs as shown on Mandate of Court of Appeals	<u> </u>
Compensation of court-appointed experts	<u> </u>
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	<u> </u>
Other costs (please itemize)	<u> </u>
TOTAL	\$ <u>7,843.16</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Richard G. Meyer, Attorney for Plaintiff.

Signature of Attorney:



Name of Attorney:

Sue A. ErhartFor: Fifth Third Bancorp

Name of Claiming Party

Date: 10/21/05

Costs are taxed in the amount of and included in the judgment.

Clerk of Court

By:

Deputy Clerk

Date

[illegible]

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

“Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

“Entry of the judgment shall not be delayed for the taxing of costs.”

BILL OF COSTS1. **Filing Fee**

- A. For removal of Complaint from Hamilton County Court of Common Pleas to
United States District Court \$ 150.00

TOTAL \$150.00

2. **Deposition Transcripts**

- A. John Buccheid \$ 319.00
- B. Joseph F. Hutchison \$ 544.75
- C. James Girtton \$ 311.75
- D. Paul Reynolds, Volume I \$ 200.95
- E. Paul Reynolds, Volume II \$ 231.55
- F. Christopher Henn \$ 795.25
- G. Richard Levo \$199.00

TOTAL \$ 2,602.25

3. **Reproduction Charges**

- A. CopyPlex invoice, 11/29/04 \$ 2,672.84
- B. United States District Court \$ 46.50
- B. KMK invoices
- Invoice No. 638171 \$ 19.20
- Invoice No. 659293 \$ 10.50
- Invoice No. 665295 \$ 21.75
- Invoice No. 667911 \$ 17.05
- Invoice No. 668830 \$ 62.70
- Invoice No. 671809 \$ 9.45
- Invoice No. 677853 \$ 11.85
- Invoice No. 680963 \$ 18.90
- Invoice No. 683814 \$ 26.55
- Invoice No. 689879 \$ 192.75
- Invoice No. 734964 \$ 76.50
- Invoice No. 737850 \$ 77.40

Invoice No. 740815	\$ 195.30
Invoice No. 743774	\$ 107.40
Invoice No. 752196	\$ 117.23
Invoice No. 753236	\$ 140.55
Invoice No. 758720	\$ 155.79
Invoice No. 763786	\$ 456.85
Invoice No. 764853	\$ 358.05
Invoice No. 768179	\$ 256.65
Invoice No. 771310	\$ 39.15

TOTAL	\$ 5,090.91
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GRAND TOTAL	\$ 7,843.16
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1527476.1

Bill of Costs

1. Filing Fee

CHECK REQUEST

CHECK REQUEST

CHECK REQUEST

DATE: November 14, 2001

AMOUNT: \$150.00

PAYABLE TO: U.S. District Court Clerk

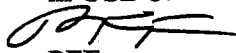
ADDRESS: Southern District of Ohio
Western Division
324 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202

CLIENT/MATTER NAME: Fifth Third Bancorp/Suburban Federal ESOP

CLIENT/MATTER CODE: FI2260 BE0021

FIRM EXPENSE: No

PURPOSE: Filing fee to file removal of complaint from Hamilton County
Common Pleas Court of Hutchinson v. Fifth Third Bancorp to
in USDC.

AUTHORIZED BY: 
PFF

REQUESTED BY: SAH

RETURN TO: Pat H.

NOTE: PLEASE ATTACH ORIGINAL COPIES OF ANY
SUPPORTING DETAIL BEFORE SUBMITTING TO THE
ACCOUNTING DEPARTMENT FOR PROCESSING.

One E Fourth Street
 Cincinnati, OH 45202
 513-579-6400
 Fax: 513-579-6419
 Email: pfischer@kmlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sue A Erhart
 Keating, Muething & Klekamp, P.L.L.
 1400 Provident Tower
 One East Fourth Street
 Cincinnati, OH 45202
 513/579-6485
 Email: serhart@kmlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/14/2001	1	NOTICE OF REMOVAL from Hamilton County Court Of Common Pleas Case Number: A0107565 (no pgs: 3+) (tt) (Entered: 11/16/2001)
11/14/2001		CLASS ACTION COMPLAINT WITH JURY DEMAND filed in Hamilton County Court Of Common Pleas (no. pgs: 18+) (tt) (Entered: 11/16/2001)
11/14/2001		Summons issued by Clerk of Hamilton County Court Of Common Pleas as to defendant on 10/30/01 (tt) (Entered: 11/16/2001)
11/14/2001		Filing Fee Paid on 11/14/01 in the amount of \$ 150.00 ; Receipt #412917 (tt) Modified on 11/16/2001 (Entered: 11/16/2001)
11/16/2001	2	ORDER by Judge Sandra S. Beckwith Case referred to Mag. Judge Timothy S. Hogan (cc: all counsel) (no pgs: 2) (tt) (Entered: 11/16/2001)
11/16/2001	3	NOTICE to Clerk, Hamilton County Court Of Common Pleas regarding Notice Of Removal [1-1] (no pgs: 1) (tt) (Entered: 11/16/2001)
12/14/2001	4	STIPULATION by parties ; Defendant has until 12/21/01 for filing answer (no pgs: 1) (tt) (Entered: 12/14/2001)
01/02/2002	5	NOTICE OF PARTIAL DISMISSAL by plaintiffs: dismissing Third Cause of Action contained in original complaint (no pgs: 2) (km) (Entered: 01/02/2002)
01/02/2002	6	MOTION by plaintiffs to remand case to the Hamilton Cty Court of Common Pleas (no pgs: 3+) (km) (Entered: 01/02/2002)
01/24/2002	7	MEMORANDUM by defendant in opposition to motion for remand to State Court [6-1] (no pgs: 13) (tt) Modified on 01/25/2002 (Entered: 01/25/2002)
02/11/2002	8	REPLY by plaintiffs to response to motion to remand case to the Hamilton Cty Court of Common Pleas [6-1] (no pgs: 8) (tt) (Entered: 02/12/2002)
08/06/2002	9	ORDER by Judge Sandra S. Beckwith denying motion to remand case to the Hamilton Cty Court of Common Pleas [6-1] (cc: all counsel) (no pgs: 5) (tt) (Entered: 08/06/2002)

Bill of Costs

2. A. Cost of Deposition Transcripts

Ace-Merit, LLC
 30 Garfield Place
 Suite 620
 Cincinnati, OH 45202-4364
 (513) 241-3200 Fax (513) 241-7958

Patrick Fischer, Esq.
 Keating, Muething & Klekamp
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

INVOICE

INVOICE NO.	DATE	JOB NUMBER
148401	06/06/2005	04-77210
JOB DATE	REPORTER(S)	CASE NUMBER
05/17/2005	VOLKKA	C101789
CASE CAPTION		
Joseph F. Hutchinson vs. Fifth Third Bank Corp		
TERMS		
Net 30 - int. accrues @ 1.5% per month		

ORIGINAL AND 1 COPY OF TRANSCRIPT OF:

John Buchheid

INDEX

ROUGH ASCII

DELIVERY: COURIER

15.00 Pages

43.00 Pages

235.00

15.00

64.50

4.50

(TAXABLE \$ 235.00)

TOTAL DUE >>>>

319.00

AFTER 07/06/2005 PAY

323.79

7 DAY SIG THROUGH MR MORAN'S COPY

ORIGINAL/COPY/ASCII DEL BY COURIER 06/06/05

TAX ID NO.: 20-2923811

(513) 579-6400 Fax (513) 579-6457

Please detach bottom portion and return with payment.

Patrick Fischer, Esq.
 Keating, Muething & Klekamp
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

Job No. : 04-77210
 Case No. : C101789
 Joseph F. Hutchinson vs. Fifth Third
 Invoice No.: 148401
 Date : 06/06/2005
 TOTAL DUE : 319.00
 AFTER 7/6/2005 PAY : 323.79

PAYMENT WITH CREDIT CARD

Remit To: Ace-Merit, LLC
 30 Garfield Place
 Suite 620
 Cincinnati, OH 45202-4364

Card Holder's Name:

VISA/MC #:

Exp. Date:

Phone #:

Billing Address:

Amount to Charge:

Zip:

Cardholder's Signature:

Bill of Costs

2. B. Cost of Deposition Transcripts

Ace-Merit, LLC
 30 Garfield Place
 Suite 620
 Cincinnati, OH 45202-4364
 (513) 241-3200 Fax (513) 241-7958

Patrick Fischer, Esq.
 Keating, Muething & Klekamp
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

INVOICE

INVOICE NO.	DATE	JOB NUMBER
148403	06/06/2005	04-77211
JOB DATE	REPORTER(S)	CASE NUMBER
05/19/2005	VOLKKA	C101789
CASE CAPTION		
Joseph F. Hutchinson vs. Fifth Third Bank Corp		
TERMS		
Net 30 - int. accrues @ 1.5% per month		

ORIGINAL AND 1 COPY OF TRANSCRIPT OF:

Joseph Hutchinson

INDEX

ROUGH ASCII

(TAXABLE \$ 413.75)

20.00 Pages

74.00 Pages

413.75

20.00

111.00

TOTAL DUE >>>>

544.75

AFTER 07/06/2005 PAY

552.92

7 DAY SIG THROUGH MR MORAN'S COPY
 ORIGINAL/COPY/ASCII DEL BY COURIER 06/06/05

TAX ID NO.: 20-2923811

(513) 579-6400 Fax (513) 579-6457

Please detach bottom portion and return with payment.

Patrick Fischer, Esq.
 Keating, Muething & Klekamp
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

Job No. : 04-77211
 Case No. : C101789
 Joseph F. Hutchinson vs. Fifth Third
 Invoice No.: 148403
 Date : 06/06/2005
 TOTAL DUE : 544.75
 AFTER 7/6/2005 PAY : 552.92

PAYMENT WITH CREDIT CARD

Card Holder's Name:

VISA/MC #:

Exp. Date:

Phone #:

Billing Address:

Amount to Charge:

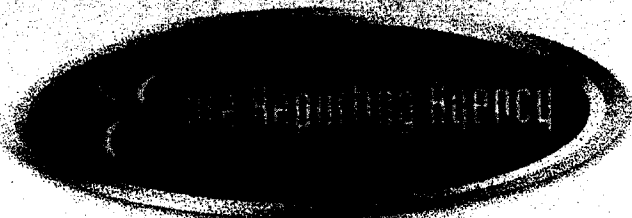
Zip:

Cardholder's Signature:

Remit To: Ace-Merit, LLC
 30 Garfield Place
 Suite 620
 Cincinnati, OH 45202-4364

Bill of Costs

2. C. Cost of Deposition Transcripts



A Limited Liability Company

Patrick F. Fischer, Esq.
Keating, Muething & Klekamp, PLL
One East Fourth Street, Suite 1400
Cincinnati, OH 45202

INVOICE

INVOICE NO.	DATE	JOB NUMBER
445	06/01/2005	01-333
JOB DATE	REPORTER(S)	CASE NUMBER
05/23/2005	STACPA	C-1-01-789
CASE CAPTION		
Joseph Hutchinson vs. Fifth Third Bancorp		
TERMS		
Net 30		

E-tran emailed; Exhibits enclosed
James Girton

311.75

TOTAL DUE >>>>

311.75

Thank you for your business!

513.233.3000 (office)

513.233.2310 (fax)

TAX ID NO.: 01-0664110

(513) 579.6400 Fax (513) 793.4691

Please detach bottom portion and return with payment.

Patrick F. Fischer, Esq.
Keating, Muething & Klekamp, PLL
One East Fourth Street, Suite 1400
Cincinnati, OH 45202

Invoice No.: 445
Date : 06/01/2005
TOTAL DUE : 311.75

Job No. : 01-333
Case No. : C-1-01-789
Joseph Hutchinson vs. Fifth Third Ba

Remit To: The Reporting Agency, LLC
6263 Beechmont Avenue
Cincinnati, OH 45230-1902

Bill of Costs

2. D. Cost of Deposition Transcripts

INVOICE

INVOICE NO.	DATE	JOB NUMBER
508	06/15/2005	01-433
JOB DATE	REPORTER(S)	CASE NUMBER
06/06/2005	DUNCBR	C-1-01-789
CASE CAPTION		
Joseph Hutchinson vs. Fifth Third Bancorp		
TERMS		
Net 30		

A Limited Liability Company

Patrick F. Fischer, Esq.
 Keating, Muething & Klekamp, PLL
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

Exhibits enclosed, etran emailed on 6/14/05
 Paul Reynolds

200.95

TOTAL DUE >>>>**200.95***Thank you for your business!*

513.233.3000 (office)

513.233.2310 (fax)

TAX ID NO.: 01-0664110

(513) 579.6400 Fax (513) 793.4691

Please detach bottom portion and return with payment.

Patrick F. Fischer, Esq.
 Keating, Muething & Klekamp, PLL
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

Invoice No.: 508
 Date : 06/15/2005
TOTAL DUE : 200.95

Job No. : 01-433
 Case No. : C-1-01-789
 Joseph Hutchinson vs. Fifth Third Ba

Remit To: **Elite Reporting Agency, LLC**
 6263 Beechmont Avenue
 Cincinnati, OH 45230-1902

Bill of Costs

2. E. Cost of Deposition Transcripts



A Limited Liability Company

Patrick F. Fischer, Esq.
 Keating, Muething & Klekamp, PLL
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

INVOICE

INVOICE NO.	DATE	JOB NUMBER
565	06/21/2005	01-436
JOB DATE	REPORTER(S)	CASE NUMBER
06/13/2005	MALLI	C-1-01-789
CASE CAPTION		
Joseph Hutchinson vs. Fifth Third Bancorp		
TERMS		
Net 30		

Exhibits enclosed, etran emailed on 6/21
 Paul Reynolds

231.55

TOTAL DUE >>>>

231.55

Thank you for your business!

513.233.3000 (office)

513.233.2310 (fax)

TAX ID NO.: 01-0664110

(513) 579.6400 Fax (513) 793.4691

Please detach bottom portion and return with payment.

Patrick F. Fischer, Esq.
 Keating, Muething & Klekamp, PLL
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

Invoice No.: 565
 Date : 06/21/2005
 TOTAL DUE : 231.55

Job No. : 01-436
 Case No. : C-1-01-789
 Joseph Hutchinson vs. Fifth Third Ba

Remit To: Elite Reporting Agency, LLC
 6263 Beechmont Avenue
 Cincinnati, OH 45230-1902

Bill of Costs

2. F. Cost of Deposition Transcripts

Ace-Merit, LLC
 30 Garfield Place
 Suite 620
 Cincinnati, OH 45202-4364
 (513) 241-3200 Fax (513) 241-7958

Patrick Fischer, Esq.
 Keating, Muething & Klekamp
 One E. Fourth St., Suite 1400
 Cincinnati, OH 45202

INVOICE

INVOICE NO.	DATE	JOB NUMBER
148749	06/29/2005	04-77725
JOB DATE	REPORTER(S)	CASE NUMBER
06/16/2005	WELSW	C101789
CASE CAPTION		
Joseph F. Hutchison vs. Fifth-Third Bancorp		
TERMS		
Net 30 - int. accrues @ 1.5% per month		

ORIG/COPY/ASCII/DIRTY DISK OF TRANSCRIPT OF:

Christopher L. Henn
 ROUGH ASCII
 (TAXABLE \$ 621.25)

116.00 Pages 621.25
 174.00

TOTAL DUE >>>> 795.25

AFTER 07/29/2005 PAY 807.18

30 DAY SIG THROUGH MR KIRK'S COPY
 ORIGINAL/COPY DEL BY COURIER 06/29/05

TAX ID NO.: 20-2923811

(513) 579-6400 Fax (513) 579-6457

Please detach bottom portion and return with payment.

Patrick Fischer, Esq.
 Keating, Muething & Klekamp
 One E. Fourth St., Suite 1400
 Cincinnati, OH 45202

Job No. : 04-77725
 Case No. : C101789
 Joseph F. Hutchison vs. Fifth-Third
 Invoice No.: 148749
 Date : 06/29/2005
 TOTAL DUE : 795.25
 AFTER 7/29/2005 PAY : 807.18

PAYMENT WITH CREDIT CARD

Card Holder's Name:

VISA/MC #:

Exp. Date:

Phone #:

Billing Address:

Amount to Charge:

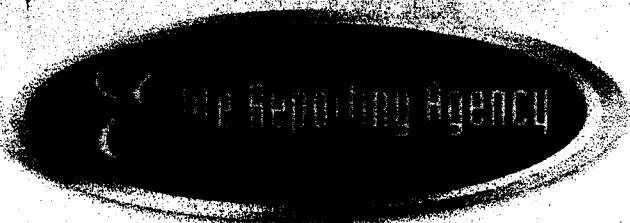
Zip:

Cardholder's Signature:

Remit To: Ace-Merit, LLC
 30 Garfield Place
 Suite 620
 Cincinnati, OH 45202-4364

Bill of Costs

2. G. Cost of Deposition Transcripts



A Limited Liability Company

Patrick F. Fischer, Esq.
 Keating, Muething & Klekamp, PLL
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

INVOICE

INVOICE NO.	DATE	JOB NUMBER
485	06/08/2005	01-334
JOB DATE	REPORTER(S)	CASE NUMBER
05/31/2005	STACPA	C-1-01-789
CASE CAPTION		
Joseph Hutchinson vs. Fifth Third Bancorp		
TERMS		
Net 30	\$65	

Exhibits enclosed, etran emailed on 6/8/05
 Richard Levo

199.00

TOTAL DUE >>>>

199.00

Thank you for your business!

513.233.3000 (office)

513.233.2310 (fax)

TAX ID NO. : 01-0664110

(513) 579.6400 Fax (513) 793.4691

Please detach bottom portion and return with payment.

Patrick F. Fischer, Esq.
 Keating, Muething & Klekamp, PLL
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

Invoice No.: 485
 Date : 06/08/2005
 TOTAL DUE : 199.00

Job No. : 01-334
 Case No. : C-1-01-789
 Joseph Hutchinson vs. Fifth Third Ba

Remit To: Elite Reporting Agency, LLC
 6263 Beechmont Avenue
 Cincinnati, OH 45230-1902

Bill of Costs

3. A. Reproduction Charges

CopyPLEX

400 Tri-State Building
 432 Walnut Street
 Cincinnati, Ohio 45202

(513) 381-COPY(2679)

Invoice

Invoice Number:
 CP04110292

Invoice Date:
 Nov 29, 2004

Page:
 1

Sold To:
 Keating, Muething, Klekamp
 1400 Provident Tower
 One E. 4th Street
 Cincinnati, OH 45202

Ship to:
 Charolette Creech

Customer ID		Customer PO		Payment Terms	
Keating 01		FI2200/BL001		Net Due; 1.5% per mo > 30	
Sales Rep ID		Shipping Method		Ship Date	Due Date
R&J100				11/29/04	11/29/04
Quantity	Item	Description		Unit Price	Extension
14,694.00		Level IV Copies		0.170	2,497.98

Received by: _____

Federal Tax ID Number: 31-1422582

Subtotal	2,497.98
Sales Tax	174.86
Total Invoice Amount	2,672.84
Payment Received	
TOTAL	2,672.84

Copy Plex's terms are Due Upon Receipt. Your firm is responsible for prompt payment - not the client, insurance company, nor any other third party. Late charges and interest are calculated at 1.5% per month on balances over 30 days. Your firm will be responsible for paying interest on past due invoices. Your firm will be responsible for any and all fees related to the collection of the bad debt, including, but not limited to, professional fees from debt collectors, attorney fees and court costs. American Express, MasterCard and Visa are accepted.

Bill of Costs

3. B. Reproduction Costs

KENNETH CURRY
CLERK
(513) 564-7500

124 POTTER STEWART COURTHOUSE
100 E. FIFTH STREET
CINCINNATI, OH 45202

COPY REQUEST FORM

DATE:

~~3/1~~ 3/1

REQUEST BY: SAM BARKLEY

FIRM NAME: KMK

PHONE NUMBER: 579-6400

CASE NUMBER: 01-CV-789

CASE CAPTION:

DOCUMENT NUMBER/S REQUESTED: Please copy all pleadings
in the attached case

NUMBER OF PAGES @ \$.50 PER PAGE:

93

COST:

46.50

YOU WILL BE NOTIFIED BY PHONE WHEN YOUR COPIES ARE
READY FOR PICKUP

THANK YOU!

Tue Mar 5 13:14:06 2002

UNITED STATES DISTRICT COURT

CINCINNATI, OH

Receipt No. 100 414070
Cashier ah1

Tender Type CHECK

Check Number: 120899

Transaction Type N

DD Code	Div No	Acct
4661	1	322350

Amount \$ 46.50

KEATING MUEHNING

COPIES, C-1-01-789

Tue Mar 5 13:14:06 2002

Check No. 120899

Amount \$ 46.50

Pay any Federal Reserve Bank or
General Depository for credit to
United States Treasury Symbol 4661

Bill of Costs

3. C. Reproduction Costs

KMK invoices not attached